

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CARL BARTON,

Petitioner,

vs

9:03-CV-1377

GARY FILLION,

Respondent.

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APPEARANCES:

OF COUNSEL:

CARL BARTON

Petitioner, Pro Se

01-A-0037

Coxsackie Correctional Facility

P.O. Box 999

Coxsackie, NY 12051-0999

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Respondent

Department of Law

The Capitol

Albany, NY 12224

STEVEN H. SCHWARTZ, ESQ.

Asst. Attorney General

HON. DAVID N. HURD

United States District Judge

**DECISION and ORDER**

Petitioner, Carl Barton, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By Report-Recommendation dated August 6, 2007, the Honorable Gustave J. DiBianco, United States Magistrate Judge, recommended that the petition be denied and dismissed. There have been no objections made to the Report-Recommendation.

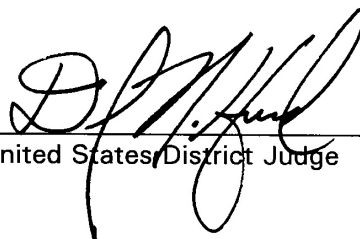
Accordingly, it is

ORDERED that the petition for a writ of habeas corpus is DENIED and  
DISMISSED in all respects

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: October 9, 2007  
Utica, New York.

  
United States District Judge